

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

JEFFREY RAY RUDD, )  
Petitioner, )  
v. ) Nos.: 3:08-CR-172-TAV-CCS-1  
United States of America, ) 3:16-CV-334-TAV  
Respondent. )

**JUDGMENT ORDER**

For the reasons expressed in the accompanying memorandum opinion, it is **ORDERED** and **ADJUDGED** that Petitioner's 28 U.S.C. § 2255 petition [Doc. 28] is **DENIED** and **DISMISSED WITH PREJUDICE**. Because this Court agrees that reasonable minds might disagree over the propriety of its conclusion, a certificate of appealability will issue on the limited ground of whether the offenses listed in Application Note 1 to Section 4B1.2 constitute crimes of violence in their own right after the *Johnson* and *Pawlak* decisions or only constitute crimes of violence where they independently qualify as such under the text of Section 4B1.2(a)(1) and (a)(2).

**ENTER:**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin  
CLERK OF COURT